IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 2ND AUGUST 2007 / 11TH SRAVANA 1929

CRL.A.No. 517 of 2001()

ST.1013/1998 of JUDL. MAGISTRATE OF FIRST CLASS COURT, IRINJALAKUDA .
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APPELLANT: COMPLAINANT

LONAPPAN, S/O.PORINCHU, PUTHOORKKARA HOUSE, OVUNGAL DESOM, PADY P.O., THRISSUR DISTRICT.

BY ADV. SRI.T.N.MANOJ
SRI.DINESH R.SHENOY

RESPONDENTS: ACCUSED
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1. **KRISHNAN, S/O.CHAKKUNNI, KOTTEKKATT HOUSE, CHEMBUCHIRA DESOM, CHEMBUCHIRA P.O., THRISSUR DISTRICT.**

2. **STATE OF KERALA.**

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 02/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.A.No.517 of 2001(A)

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Dated this the 2nd day of August, 2007

J U D G M E N T

The appellant is the complainant in C.C.No.1013/1998 in the file of the Judicial Magistrate of the First Class, Irinjalakuda, the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal Procedure. It is submitted that the lapse was occasioned on account of the wrong noting of the posting date.

In the circumstances, the order of acquittal is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 31/08/2007. The court below shall issue fresh summons to the accused.

The appeal is allowed.

K.R.UDAYABHANU,
Judge

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K.R.UDAYABHANU, J.

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Crl.A.No.517 of 2001(A)

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J U D G M E N T

2nd August, 2007